

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANE DOE, et al.,

Plaintiffs,

-against-

COUNTY OF WESTCHESTER, et al.,

Defendants.

ORDER

22-CV-06950 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiffs filed their Complaint in this action on August 15, 2022. (Doc. 1). Plaintiffs thereafter filed a summons request on August 19, 2022. (Doc. 6). The Clerk’s Office rejected Plaintiffs’ request as deficient later that same day. (Aug. 19, 2022 Entry). The Clerk’s Office, explaining the request’s deficiency in a “blue note” entry on the docket, explained in pertinent part that the “Court’s leave has not been granted to proceed under pseudonym.” (*Id.*).

Notwithstanding the fact that no summonses have yet issued in this matter, Plaintiffs: (1) have filed three separate pre-motion conference letters for the Court’s consideration; and (2) maintain that service of the pleading and pre-motion conferences letters has been effectuated on their adversaries. (*See* Doc. 7; Doc. 8; Doc. 9; Doc. 10; Doc. 11; Doc. 12; Doc. 13; Doc. 17).¹ Certain Defendants—specifically, the County of Westchester, Westchester County Department of Public Safety (“DPS”), Westchester County Executive George Latimer, and Acting DPS Commissioner Terrance Raynor (collectively, “County Defendants”—while maintaining that service has not been effectuated and jurisdiction is therefore lacking, have opposed Plaintiffs’ requests for pre-motion conferences. (*See* Doc. 15; Doc. 16; Doc. 24).

¹ Plaintiffs maintain that the Complaint has been served “via the waiver of service method provided by” Federal Rule of Civil Procedure 4(d). (Doc. 17). There is no representation anywhere that any Defendant has, in fact, waived service of a summons.

One of the pending pre-motion conference letters concerns Plaintiffs' anticipated motion for leave to proceed under pseudonyms—a motion that must be granted for summonses to issue for the Complaint in its current state. (*See* Doc. 9; Doc. 16; *see* Aug. 19, 2022 Entry). The pre-motion conference requirement is waived for this application and Plaintiffs are granted leave to serve and file their pseudonym motion in accordance with the following schedule: **(1)** Plaintiffs' motion papers shall be served on all Defendants and filed on September 30, 2022; **(2)** Defendants (to the extent any wish to be heard on an application before summonses have issued) shall serve and file their opposition papers on October 14, 2022; and **(3)** Plaintiffs' reply papers, if any, shall be served and filed on October 21, 2022.

The other pre-motion conference letters go hand-in-hand—one seeks leave to move for a preliminary injunction and the other asks for permission to file an “oversized brief” in connection therewith. (Doc. 7; Doc. 10). The County Defendants opposed these requests as well. (Doc. 15; Doc. 24). These requests are, at best, premature and therefore denied without prejudice to renew on that basis. Plaintiffs may renew their requests after a decision is rendered on the motion to proceed under pseudonyms.

Plaintiffs are directed to serve a copy of this Order on all Defendants and file proof of service to the docket by 5:00 p.m. on September 16, 2022.

SO ORDERED:

Dated: White Plains, New York
September 15, 2022



PHILIP M. HALPERN
United States District Judge